



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/704,179

11/01/2000

Robert P. St. Pierre

SMQ-038

2696

46141

7590

08/21/2006

LAHIVE & COCKFIELD, LLP
28 STATE STREET
BOSTON, MA 02109

EXAMINER

NGUYEN, THU HA T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,179

Applicant(s)

ST. PIERRE, ROBERT P.

Examiner

Thu Ha T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-18,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-18, 35-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1- 2, 5-18 and 35-36 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 35 provides for displaying message on a display device, comprising registering a plurality of networked electronic devices with a display device and creating a plurality of separate priority message queues for each networked electronic device, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. In claims 1 and 35, the applicant claimed a system and method for display messages on display device. However, the examiner has found that there is unclear what process and how to select and display a message among plurality messages in the plurality of message queues. In the claimed language just merely discloses how the network electronic device registers with display device and how the display device assign identifier for each networked electronic device and how to create separate message queue. But the examiner finds no result or output after the registering, creating steps finishing process such selecting a highest priority message queue among the plurality of priority message queues to display a selected message on the display device.

Applicant is requested to explain and appropriate correction.

Claim Objections

4. Claims 1, 8, 10, 18, and 25 are objected to because of the following informalities:

5. Claim 1 recited the limitations “a plurality of the networked electronic devices”, “the assigned identifiers”, “the identity”, “the registered network device”, “said network device”. There is insufficient antecedent basis for these limitations in this claim. Appropriate correction is required.

6. Claims 8 and 10 recited the limitation “the message queue”. There is insufficient antecedent basis for this limitation in these claims. Appropriate correction is required.

7. Claim 18 recited the limitation “the extensible markup language”. There is insufficient antecedent basis for this limitation in this claim. Appropriate correction is required.

8. Claim 35 recited the limitations “the plurality of networked electronic device”, “the identity”, “the registered networked electronic device”, “the priority message queue”. There is insufficient antecedent basis for this limitation in this claim. Appropriate correction is required.

Response to Arguments

9. Applicant's arguments filed June 06, 2006 have been fully considered but they are not persuasive because of the following reason:

10. Applicant argues that either Nawaz, Davidson or Nojork teaches the display device assigning an identifier to each of the networked devices upon registration and the display device sending the assigned identifiers to the plurality of networked electronic devices in response to the registration. In response to applicant argument, the examiner submits that Nojork does teach the feature of the display device assigning an identifier to each of the networked devices upon registration and the display device sending the assigned identifiers to the plurality of networked electronic devices in response to the registration as shown in col. 5, lines 12-26, col. 7, lines 8-55, col. 8, line 43-col. 9, line 10.

11. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, and 35. Claims 2, 5-18 and 36 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this office action. Accordingly, claims 1, 2, 5-18, 35 and 36 are rejected.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-2, 5-18 and 35-36 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Nawaz et al.** (hereinafter Nawaz) U.S. Patent No. **6,421,694**, and **Davidson et al.** (hereinafter Davidson) U.S. Patent No. **6,246,693**, further in view of **Najork et al.** (hereinafter Najork) U.S. Patent No. **6,321,265**.

14. As to claim 1, Nawaz teaches the invention as claimed, including a method for displaying messages on a display device (figure 7, element 250), said messages originating from a plurality of networked electronic devices communicating with the display device over a network (figure 7, elements 256, 258, 20, 260, 262, 264), said method comprising the steps of:

providing a protocol to enable a plurality of networked devices to send messages to a display device (col. 1, lines 55-60, col. 3, lines 26-46, col. 9, lines 29-48, col. 15, lines 46-56); and

registering a plurality of the networked electronic devices with said display device, in response to a registration request from each of the networked electronic devices, prior to said display device displaying any messages from the plurality of networked electronic devices (col. 7, lines 35-43, col. 10, lines 9-58, col. 11, lines 39-56). Nawaz teaches the clients register with servers in order to communicate with each other. This feature deems to be inherent with the system because in a client-server environment, multiple servers are connected to a client and interchangeable. The client (read as display device) registers with a server (networked electronic device) can be interchangeable for servers register with a client, vice versa. Since both client and

servers have to register in order to communicate and exchange information with each other.

However, Nawaz does not explicitly teach the feature of creating, in response to the registering of the plurality of networked electronic devices with said display device, a separate priority message queue on said display device for each networked electronic device registered with the display device, each priority message queue having a priority level assigned to it based on an identity of the registered networked electronic device, each display message received by the display device from a registered networked electronic device being placed in the priority message queued that is assigned to said networked electronic device, the display device assigning an identifier to each of the networked devices upon registration and the display device sending the assigned identifiers to the plurality of networked electronic devices in response to the registration.

Davidson teaches each priority queue has a priority level (col. 3, lines, 33-36, col. 18, lines 43-52, col. 19, lines 15-59). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate each priority queue has a priority level, as disclosed by Davidson, into Nawaz system in order to minimum or avoid message collision between multiple messages (Davidson col. 2, line 65-col. 3, line 15).

Najork teaches creating, in response to the registering of the plurality of networked electronic devices with said display device, a separate priority message queue on said display device for each networked electronic device registered with the display device, each priority message queue is assigned based on an identity of the

Art Unit: 2155

registered networked electronic device, each display message received by the display device from a registered networked electronic device being placed in the priority message queued that is assigned to said networked electronic device (figures 1-2, 4, col. 5, lines 23-41, col. 6, lines 7-45, col. 7, line 4-col. 8, line, 40, col. 8, line 42-col. 9, line 44); the display device assigning an identifier to each of the networked devices upon registration and the display device sending the assigned identifiers to the plurality of networked electronic devices in response to the registration (col. 5, lines 12-26, col. 7, lines 8-55, col. 8, line 43-col.9, line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Najork into Nawaz and Davidson system to include the feature of creating each separate priority message queue for each networked electronic device because it would have provided an efficient system for providing high-performance web crawler (i.e., display device) that has capability to download and process web pages/documents (i.e., display messages) in the selected queue in the order set (i.e., priority) (see Najork col. 1, lines 49-59, col. 2, lines 63-67).

15. As to claim 2, Nawaz teaches the invention as claimed, wherein the network is an Internet Protocol (IP) based network (col. 1, lines 55-60).

16. As to claim 5, Nawaz teaches the invention as claimed, wherein said registering further comprises: sending to the display device a text string representing a

Art Unit: 2155

device name for the selected networked electronic device (col. 7, lines 35-43, col. 11, lines 39-56).

17. As to claim 6, Nawaz teaches the invention as claimed, wherein said method further comprises the step of: sending to the display device a graphical image representing the at least one networked electronic device (col. 12, lines 65-col. 13, lines 4).

18. As to claim 7, Nawaz teaches the invention as claimed, said method comprising the additional steps of:

receiving a display message at the display device from a given one of the networked electronic devices (abstract, col. 11, lines 39-col. 12, lines 14); and

placing the received display message in the priority message queue for the given networked electronic device (col. 9, lines 49-62, col. 11, lines 30-38, col. 12, lines 15-37).

19. As to claim 8, Nawaz teaches the invention as claimed, wherein said received display message in the message queue for the given networked electronic device contains text (col. 1, lines 45-54, col. 7, lines 35-43, col. 11, lines 39-56).

20. As to claim 9, Nawaz teaches the invention as claimed, wherein said received display message in the message queue for the given networked electronic device contains a graphical image (col. 12, lines 65-col. 13, lines 4).

21. As to claim 10, Nawaz teaches the invention as claimed, wherein said received display message for the given networked electronic device contains both text and a graphical image (col. 1, lines 45-54, col. 7, lines 35-43, col. 11, lines 39-56, col. 12, lines 65-col. 13, lines 4).

22. As to claim 11, Nawaz teaches the invention as claimed, said method comprising the additional steps of providing a priority level for each display message sent from the given networked electronic device to the display device (col. 11, lines 30-col. 12, lines 37). Davidson teaches creating a unique message ID identifying each message placed in said priority message queue of said given networked electronic device (col. 11, lines 41-58).

23. As to claim 13, Davidson teaches sending a request to said display device from a registered networked electronic device that is registered with the display device to remove a message from the priority message queue of said registered networked electronic device (col. 19, lines 49-54).

24. As to claim 14, Davidson teaches sending a list of Message IDs appearing in a priority message queue from said display device to a particular networked electronic device registered with said display device in response to a request from said particular networked electronic device (col. 11, lines 40-58, col. 20, lines 44-67).

25. As to claim 15, Davidson teaches sending a status message providing a current status of a message in a priority message queue from said display device to a registered networked electronic device registered with said display device in response to a request from said registered networked electronic device (col. 19, lines 28-38).

26. As to claim 16, Nawaz teaches the invention as claimed, including display instructions as part of the display message sent to said display device by the given networked electronic device registered with said display device (col. 9, lines 29-62, col. 11, lines 39-col. 12, lines 14).

27. As to claim 17, Nawaz teaches the invention as claimed, said method comprising the additional step of: unregistering said given networked electronic device registered with said display device (col. 10, lines 9, lines 18).

28. As to claim 18, Nawaz teaches the invention as claimed, wherein said messages are written using the using the extensible markup language (XML) (col. 1, lines 61-col. 2, lines 36, col. 11, lines 39-col. 12, lines 14).

29. As to claim 35, Nawaz teaches the invention as claimed, including a computer-readable medium for use with a display device with a network interface, said computer-readable medium holding computer - executable instructions for a method, said instructions comprising the steps of:

providing a protocol to enable a plurality of networked devices to send messages to a display device (col. 1, lines 55-60, col. 3, lines 26-46, col. 9, lines 29-48, col. 15, lines 46-56); and

registering a plurality of networked electronic devices with said display device, in response to a registration request from each of the networked electronic devices, prior to said display device displaying any messages from the plurality of networked electronic device (col. 7, lines 35-43, col. 10, lines 9-58, col. 11, lines 39-56). Nawaz teaches the clients register with servers in order to communicate with each other. This feature deems to be inherent with the system because in a client-server environment, multiple servers are connected to a client and interchangeable. The client (read as display device) registers with a server (networked electronic device) can be interchangeable for a server registers with a client, vice versa. Since both client and server have to register in order to communicate and exchange information with each other.

However, Nawaz does not explicitly teach the feature of creating, in response to the registering of the plurality of networked electronic devices with said display device, a separate priority message queue on said display device for each networked electronic device registered with the display device, each priority message queue having a priority level assigned to it based on an identity of the registered networked electronic device, each display message received by the display device from a registered networked electronic device being placed in the priority message queued that is assigned to said networked electronic device, the display device assigning an identifier to each of the

Art Unit: 2155

networked devices upon registration and the display device sending the assigned identifiers to the plurality of networked electronic devices in response to the registration.

Davidson teaches each priority queue has a priority level (col. 3, lines, 33-36, col. 18, lines 43-52, col. 19, lines 15-59). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate each priority queue has a priority level, as disclosed by Davidson, into Nawaz system in order to minimum or avoid message collision between multiple messages (Davidson col. 2, line 65-col. 3, line 15).

Najork teaches creating, in response to the registering of the plurality of networked electronic devices with said display device, a separate priority message queue on said display device for each networked electronic device registered with the display device, each priority message queue is assigned based on an identity of the registered networked electronic device, each display message received by the display device from a registered networked electronic device being placed in the priority message queued that is assigned to said networked electronic device (figures 1-2, 4, col. 5, lines 23-41, col. 6, lines 7-45, col. 7, line 4-col. 8, line, 40, col. 8, line 42-col. 9, line 44); the display device assigning an identifier to each of the networked devices upon registration and the display device sending the assigned identifiers to the plurality of networked electronic devices in response to the registration (col. 5, lines 12-26, col. 7, lines 8-55, col. 8, line 43-col.9, line 10. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Najork into Nawaz and Davidson system to include the feature of creating each

separate priority message queue for each networked electronic device because it would have provided an efficient system for providing high-performance web crawler (i.e., display device) that has capability to download and process web pages/documents (i.e., display messages) in the selected queue in the order set (i.e., priority) (see Najork col. 1, lines 49-59, col. 2, lines 63-67).

30. As to claim 36, Nawaz teaches the invention as claimed, wherein said network is an Internet Protocol (IP) based network (col. 1, lines 55-60).

Allowable Subject Matter

31. Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

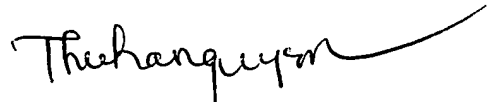
33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ThuHa Nguyen
Patent Examiner

August 17, 2006